IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 3763 OF 2003

Union of India ..... Petitioner.

versus

Shantilal J. ..... Respondents.

.....

Mr. Sureshkumar for the petitioner.
Mr. R.Ramamurthy for the Respondent.

.....

CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 25H JANUARY, 2005.

P.C.

1. By this petition, the petitioner union of India has challenged the order passed by the Central Administrative Tribunal, the operative part of which reads thus:

"In the result the OA deserves to be allowed and is allowed. The order dated 12-11-1992, 23-03-1993 and 19/27-02-1996 (Exhibitr A, B,

C) deserves to be quashed and set aside and are quashed and set aside. The matter shall go to the Disciplinary Authority with a direction to serve the applicant with charge sheet and thereafter proceed in accordance with Railway Servants (Discipline and Appeal) Rules 1968 and conclude enquiry within a period of 6 months from the date of receipt of a copy of the order. No order as to costs."

2. It will thus be seen that the petitioner is challenging only the order by which factually it was held that the service of charge sheet etc. was not proper, and the matter was remitted back for fresh enquiry in accordance with law. We see no reason to interfere in such an order of remand. We however make it clear that the disciplinary authority while dealing afresh with the enquiry shall also decide the question of periods spent from the date of termination to the date of order, that may be passed in accordance with the rules governing the subject. Petition naccordingly dismissed.

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